UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ----- X THOMAS JERMYN, on behalf of himself CIVIL ACTION NO. 08 CV 00214 and all others similarly situated, **ECF ACTION** Plaintiff, **DEFENDANT BEST BUY STORES, L.P.'S** -against-MEMORANDUM OF LAW IN **OPPOSITION TO PLAINTIFF'S** BEST BUY STORES, L.P., MOTION FOR CLASS CERTIFICATION Defendant. FILED UNDER SEAL ----- X

> CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER CASE NO. 08-CV-00214 (JUDGE COLLEEN MCMAHON) THIS ENVELOPE IS NOT TO BE OPENED NOR THE CONTENTS THEREOF DISPLAYED, COPIED OR REVEALED

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CERTIFICATE OF SERVICE

Case Name: **THOMAS JERMYN**, on behalf of himself and all others similarly situated v.

BEST BUY STORES, L.P.

Court File No: **08-00214**

I hereby certify that on June 26, 2008, I electronically filed the foregoing documents: DEFENDANT BEST BUY STORES, L.P.'S MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION (Filed Under Seal), and this Certificate of Service with the Clerk of Court using the CM/ECF System, which shall send notification of such filing to the following:

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Todd C. Norbitz	tnorbitz@foley.com

In addition, the preceding document was served in its entirety via electronic email and first-class mail this 26th day of June upon the following:

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> s/ Jennifer G. Daugherty Jennifer G. Daugherty